THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.3315 of 2005

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the proceedings of the first respondent dated 4.1.2005 appointing the third respondent as Single Trustee of Sri Anjaneya Swamy Temple (Majetivari Thopu), Ponnur Road, Guntur and the notification if any issued by the second respondent under Section 6 of Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 with respect to the said Temple as arbitrary and illegal.

According to the petitioner, his late father Majeti Panakalu purchased an extent of Ac.1-00 cents of land under sale deed dated 16.12.1930 in S.No.780 of Guntur Town and got constructed a Choultry and Sri Varada Abhaya Anjaneyaswamy Vari Temple in the year 1934 with his own funds by appointing Poojari and Watchman and getting performing all necessary poojas. On 15.11.1940, his father executed a registered Trust Deed bearing Doc.No.4319/1940 before the Sub-Registrar, Guntur bequeathing another extent of Ac.1-50 cents and Ac.5-40 cents to the said institution. In the Trust Deed, it is clearly stated that he shall administer and manage the temple during his lifetime and thereafter, his successors or his delegates shall manage the same. After the death of his father, petitioner has been managing the said Temple and choultry being his successor in interest without any complaint. While that being so, he was served with a letter dated 12.2.2005 stating that the third respondent was appointed as a Single Trustee to the said Temple vide proceedings dated 4.1.2005 and asking the petitioner to handover the entire records regarding the said temple within a period of one week from the date of receipt of the notice. Petitioner received the said notice on 15.2.2005 along with the proceedings of the first respondent. The proceedings of the first respondent reads that in exercise

of powers vested under Section 15(3) of Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'Endowments Act') he appointed the third respondent as Single Trustee of the said Temple. According to the petitioner, the said proceedings are arbitrary, illegal and without jurisdiction, for the reason that the Endowments Act has no application to the subject temple as the same is purely a private temple and not notified under Section 6 of the Endowments Act. Further, petitioner has not received any notice in that regard.

This Court, while admitting the writ petition on 23.2.2005, granted interim suspension as prayed for.

No counter is filed by the respondents. However, the learned Government Pleader, on oral instructions submits that the third respondent has not taken over charge and the petitioner is being continued in the subject temple.

In the facts and circumstances of the case and also in view of the assertion made by the petitioner that the subject temple was not notified under Section 6 of the Endowments Act, petitioner is directed to make a detailed representation to the first respondent in this regard and the first respondent shall consider the same and pass appropriate orders, as per law, within a period of (8) weeks from the date of receiving such representation from the petitioner. Till such time, *status quo* as on today shall be maintained.

The writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU, J

Date: 25.7.2007
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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.3315 of 2005

25.7.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.3315 of 2005

Date: 25th July, 2007

Between:

Majeti Kutumba Rao

.. Petitioner

And

The Assistant Commissioner,
Endowments Department, Guntur
and others.

.. Respondents